

REMARKS

Claims 1, 2, 4-17 and 19-43 are pending. Claims 1, 2, 4-17 and 19-43 are rejected by the Examiner in an office action dated January 31, 2003.

The Examiner withdrew the rejection of claim 42 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention in an Advisory Action dated May 21, 2003.

The Examiner rejected claim 43 as being directed to non-statutory subject matter.

Applicant amended claim 43 to recite "A computer readable medium storing a data structure for providing a common format for a market event message." Accordingly, claim 43 is now directed to statutory subject matter under 35 U.S.C. §101 as confirmed by the Court of Appeals for the Federal Circuit (CAFC) in In re Lowry, 32 F. 3rd 1579; 32 U.S.P.Q. 2d 1031 (Fed. Cir. 1994); rehearsing denied and in banc suggestion declined December 19, 1994, reported at 1994 U.S. App. LEXIS 36805.

The Examiner uses Wilson, Zusman, Kampe and Lange to reject claims 1-2, 4-17 and 19-43 as having been obvious.

Independent claims 1, 16, 28 and 38 recite "translating a portion of the received messages into market event messages having a common format defined by a market event object holding quote information, market participant information and timing information," or similar language. Claims 1, 16, 28 and 38 distinguish from the cited references since the references fail to teach or suggest this quoted feature. In fact, this quoted feature is totally absent from the cited references. Accordingly, claims 1, 16, 28 and 38 are not made obvious by Wilson, Zusman, Kampe and Lange, whether separately or in combination.

Claims 43 distinguishes from the cited references since the references fail to teach or suggest a computer readable medium storing a data structure for providing a common format for a market event message. Accordingly, claim 43 is not made obvious by Wilson, Zusman, Kampe and Lange, whether separately or in combination.

The Examiner uses Wilson, Zusman, Kampe and Eustis to reject claims 38 and 41 as having been obvious.

Applicant : Ana Gabriela Anaya
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Claim 38 recites "a translator object to translate the NQDS message into a common format defined by a market event object holding quote information, market participant information and timing information."

Claims 38 distinguishes from the cited references since the references fail to teach or suggest the quoted feature. In fact, the quoted feature is totally absent from the cited references. Accordingly, claim 38 is not made obvious by Wilson, Zusman, Kampe and Eustis, whether taken separately or in combination.

All of the dependent claims are patentable for at least the same reasons as the claims on which they depend.

The applicant's discussion of particular arguments of the Examiner should not be construed as a concession by the applicant with respect to any other positions of the Examiner. The applicant's assertion of arguments for patentability for certain claims should not be construed as suggesting that there are not also other good reasons why those or other claims are patentable.

Applicant asks that all claims be examined in view of the amendment to the claims.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

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Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

Kenneth F. Kozik

Kenneth F. Kozik
Reg. No. 36,572